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19 Attorneys for Debtors and  
 20 Debtors in Possession

21 **UNITED STATES BANKRUPTCY COURT**

22 **DISTRICT OF NEVADA**

23 In re:

24 Case No.: BK-S-09-14814-LBR  
 25 (Jointly Administered)

26 THE RHODES COMPANIES, LLC, aka  
 27 "Rhodes Homes," et al.<sup>1</sup>

28 Chapter 11

Debtors.

Affects:

Hearing Date: January 14, 2010

21 <sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-  
 22 14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache  
 23 Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case  
 24 No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-  
 25 14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa,  
 26 LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843);  
 27 Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No.  
 28 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany  
 Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany  
 Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow,  
 LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP  
 (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No.  
 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-  
 14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 Affects:

- 2  All Debtors  
 3  Affects the following Debtor(s)

4 BRAVO, INC., ELKHORN INVESTMENTS,  
 5 INC., ELKHORN PARTNERS

Hearing Time: 9:00 a.m.

Courtroom 1

6 **NOTICE OF HEARING ON MOTION OF DEBTORS FOR ORDER TO LIFT THE**  
 7 **AUTOMATIC STAY TO EFFECTUATE PREPETITION SETTLEMENT**

8 **PLEASE TAKE NOTICE** that on January 14, 2010 at 9:00 a.m. a hearing will be held  
 9 before the Honorable Linda B. Riegle in Courtroom 1 at 300 Las Vegas Boulevard South, Las  
 10 Vegas, Nevada, 89101, on the *Motion of Debtors for Order to Lift the Automatic Stay to*  
 11 *Effectuate Prepetition Settlement* (the “Motion”). Pursuant to the Motion, Bravo, Inc. (“Bravo”),  
 12 Elkhorn Investments, Inc. (“Elkhorn Investments”) and Elkhorn Partners, LP (“Elkhorn  
 13 Partners”), three of the above-captioned debtors and debtors in possession (the “Debtors”), seek  
 14 an order lifting the automatic stay under section 362 of the Bankruptcy Code to permit them to  
 15 consummate a global prepetition settlement (the “Global Settlement”) involving forty  
 16 homeowner-plaintiffs (the “Fulks Homeowners”), Rhodes Design & Development Corp.  
 17 (“RD&D”), Elkhorn Investments, Elkhorn Partners, Bravo and various subcontractors. The  
 18 Fulks Homeowners had sued RD&D as general contractor, and Elkhorn Investments and Elkhorn  
 19 Partners as additional defendants. In turn, RD&D, Elkhorn Investments and Elkhorn Partners  
 20 sued various subcontractors, including Bravo.

21 Elkhorn Investments and Elkhorn Partners support the Global Settlement because their  
 22 insurer is paying for their release. Bravo supports the Global Settlement because its insurers are  
 23 paying for its release. The compromise reached in the Global Settlement is a fair and reasonable  
 24 one, offering the best net result for the estates because the Global Settlement promptly resolves  
 25 these disputes, avoiding protracted and expensive litigation, and eliminates the exposure of  
 26 Elkhorn Investments, Elkhorn Partners and Bravo under the Litigation, without expending any of  
 27 their funds.

28 **PLEASE TAKE FURTHER NOTICE** that a copy of the Motion is being served  
 29 concurrently on you and is also on file with and available from the clerk of the United States  
 30 Bankruptcy Court for the District of Nevada, Foley Federal Building, 300 S. Las Vegas Blvd.,  
 31 Las Vegas, Nevada 89101; via the bankruptcy court's website at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov) (a

1 PACER account is required); and through the Debtors' claims agent's website:  
2 [www.omnimgt.com/rhodes](http://www.omnimgt.com/rhodes); or by calling (866) 989-6144.

3 **PLEASE TAKE FURTHER NOTICE** that any opposition to the requested relief in the  
4 Motion must be filed and served pursuant to Local Rule 9014(d)(1), which provides:  
5 "Oppositions to a motion must be filed and served on the movant no later than fifteen (15) days  
6 after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has  
7 been set on less than fifteen (15) business days' notice, the opposition must be filed no later than  
8 five (5) business days before the hearing, unless the court orders otherwise. The opposition must  
9 set forth all relevant facts and any relevant legal authority. An opposition must be supported by  
10 affidavits or declarations that conform to the provisions of subsection (c) of this rule." If an  
11 objection is not timely filed and served, the relief requested may be granted without a hearing  
12 pursuant to LR 9014(d)(3).

13 If you object to the relief requested, you *must* file a WRITTEN response to this pleading  
14 with the court. You *must* also serve your written response on the person who sent  
15 you this notice.

16 If you do not file a written response with the court, or if you do not serve your written  
17 response on the person who sent you this notice, then:

- 18 • The court may *refuse* to allow you to *speak* at the scheduled hearing; and
- 19 • The court may *rule against you* without formally calling the matter at the hearing.

20 **PLEASE TAKE FURTHER NOTICE** that the hearing may be continued from time to  
21 time without further notice except for the announcement of any adjourned dates and time at the  
22 above-noticed hearing or any adjournment thereof.

23 **DATED** this 18<sup>th</sup> day of December, 2009.

24 **LARSON & STEPHENS**

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